IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 377 of 2006

SOHAN RAJ
V/S
SURESH KUMAR & ORS.

Mr. BR MEHTA, for the appellant / petitioner

Mr. AMIT MEHTA, for the respondent

Date of Order : 2.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

It is informed that the two suits are pending between the parties, inasmuch as the suit having been filed by the present petitioner being regular suit no. 22/2005 against the present plaintiff, and the municipality, raising grievance against the construction raised on the way, while the present suit no. 20/2005 has been filed by the plaintiff Suresh etc. against the municipality only, praying for injunction, restraining municipality from demolishing the staircase. It is informed by counsel for the parties that in both the suits trial has not yet commenced.

In these circumstances, I think it appropriate that instead of interfering, or going into the impugned order, refusing the petitioner's prayer for being impleaded

as party in suit no. 20/2005, the learned trial court be directed to consolidate both the suits no. 20/2005 and 22/2005.

Accordingly, the writ petition is disposed of with a direction to the learned trial court to consolidate both the suits no. 20/2005 and 22/2005, and then proceed with the trial of the suit most expeditiously.

(N P GUPTA),J.

/Sushil/